

THE OREGON WILDERNESS ACT OF 1984

MAY 18 (legislative day, MAY 14), 1984.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural Resources,
submitted the following

REPORT

[To accompany H.R. 1149]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 1149) to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text in the nature of a substitute and recommends that the Act, as amended, do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

This Act may be referred to as the "Oregon Wilderness Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped national forest system land in the State of Oregon possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of national forest system lands in the State of Oregon and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of national forest system lands in the State of Oregon and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain national food system lands and certain public lands in the State of Oregon as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other national forest system lands in the State of Oregon be available for nonwilderness multiple use.

SEC. 3. In furtherance of the purpose of the Wilderness Act the following lands in the State of Oregon comprising approximately eight hundred forty-nine thousand three hundred acres and as generally depicted on maps appropriately referenced, dated May 1984; are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Mount Hood National Forest, which comprise approximately thirty-nine thousand acres, are generally depicted on a map entitled "Columbia Wilderness—Proposed", and which shall be known as the Columbia Wilderness;

(2) certain lands in the Mount Hood National Forest, which comprise approximately forty-four thousand six hundred acres, are generally depicted on a map entitled "Salmon-Huckleberry Wilderness—Proposed", and which shall be known as the Salmon-Huckleberry Wilderness;

(3) certain lands in the Mount Hood National Forest, which comprise approximately twenty-three thousand five hundred acres, are generally depicted in a map entitled "Badger Creek Wilderness—Proposed", and which shall be known as the Badger Creek Wilderness;

(4) certain lands in the Mount Hood National Forest and the Willamette National Forest, which comprise approximately thirty-four thousand nine hundred acres, are generally depicted on a map entitled "Bull of the Woods Wilderness—Proposed", and which shall be known as the Bull of the Woods Wilderness;

(5) certain lands in the Siuslaw National Forest, which comprise approximately five thousand eight hundred acres, are generally depicted on a map entitled "Drift Creek Wilderness—Proposed", and which shall be known as the Drift Creek Wilderness;

(6) certain lands in the Siuslaw National Forest, which comprise approximately seven thousand four hundred acres, are generally depicted on a map entitled "Rock Creek Wilderness—Proposed", and which shall be known as the Rock Creek Wilderness;

(7) certain lands in the Siuslaw National Forest, which comprise approximately nine thousand three hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness—Proposed", and which shall be known as the Cummins Creek Wilderness;

(8) certain land in the Umpqua National Forest, which comprise approximately nineteen thousand one hundred acres, are generally depicted on a map entitled "Boulder Creek Wilderness—Proposed", and which shall be known as the Boulder Creek Wilderness;

(9) certain lands in the Umpqua and Rogue River National Forests, which comprise approximately thirty-three thousand two hundred acres, are generally depicted on a map entitled "Rogue-Umpqua Divide Wilderness—Proposed", and which shall be known as the Rogue-Umpqua Divide Wilderness;

(10) certain lands in the Willamette National Forest which comprise approximately thirty-nine thousand two hundred acres, are generally depicted on a map entitled "Waldo Lake Wilderness—Proposed", and which shall be known as the Waldo Lake Wilderness;

(11) certain lands in the Willamette National Forest, which comprise approximately four thousand eight hundred acres, are generally depicted on a map entitled "Menagerie Wilderness—Proposed", and which shall be known as the Menagerie Wilderness;

(12) certain lands in the Willamette National Forest, which comprise approximately seven thousand five hundred acres, are generally depicted on a map entitled "Middle Santiam Wilderness—Proposed", and which shall be known as the Middle Santiam Wilderness;

(13) certain lands in and adjacent to the Siskiyou National Forest, which comprise approximately seven thousand seven hundred acres, are generally

depicted on a map entitled "Grassy Knob Wilderness—Proposed", and which shall be known as the Grassy Knob Wilderness;

(14) certain lands in the Siskiyou National Forest, which comprise approximately three thousand eight hundred acres, are generally depicted on a map entitled "Red Buttes Wilderness—Proposed", and which shall be known as the Red Buttes Wilderness;

(15) certain lands in the Rogue River and Winema National Forests, which comprise approximately one hundred sixteen thousand three hundred acres, are generally depicted on a map entitled "Sky Lake Wilderness—Proposed", and which shall be known as the Sky Lakes Wilderness;

(16) certain lands in the Ochoco National Forest, which comprise approximately five thousand four hundred acres, are generally depicted on a map entitled "Bridge Creek Wilderness—Proposed", and which shall be known as the Bridge Creek Wilderness;

(17) certain lands in the Ochoco National Forest, which comprise approximately seventeen thousand four hundred acres, are generally depicted on a map entitled "Mill Creek Wilderness—Proposed", and which shall be known as the Mill Creek Wilderness;

(18) certain lands in the Ochoco National Forest which comprise approximately thirteen thousand four hundred acres, are generally depicted on a map entitled "Black Canyon Wilderness—Proposed", and which shall be known as the Black Canyon Wilderness;

(19) certain lands in the Wallowa-Whitman, Malheur, and Umatilla National Forests, which comprise approximately one hundred twenty-one thousand three hundred acres, are generally depicted on a map entitled "North Fork John Day Wilderness—Proposed", and which shall be known as the North Fork John Day Wilderness;

(20) certain lands in the Umatilla National Forest, which comprise approximately twenty thousand two hundred acres, are generally depicted on a map entitled "North Fork Umatilla Wilderness—Proposed", and which shall be known as the North Fork Umatilla Wilderness;

(21) certain lands in the Malheur National Forest, which comprise approximately eighteen thousand three hundred acres, are generally depicted on a map entitled "Glacier Wilderness—Proposed", and which shall be known as the Glacier Wilderness;

(22) certain lands located in the Salem District of the Bureau of Land Management, Oregon, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "Table Rock Wilderness—Proposed", and which shall be known as the Table Rock Wilderness;

(23) certain lands in the Willamette and Mount Hood National Forests, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Mount Jefferson Wilderness as designated by Public Law 88-577;

(24) certain lands in the Willamette and Deschutes National Forests, which comprise approximately six thousand four hundred acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Mount Washington Wilderness as designated by Public Law 88-577;

(25) certain lands in the Willamette and Deschutes National Forests which comprise approximately thirty-eight thousand one hundred acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Laws 88-577 and 95-237;

(26) certain lands in the Fremont National Forest which comprise approximately four thousand one hundred acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Gearhart Mountain Wilderness as designated by Public Law 88-577;

(27) certain lands in the Malheur National Forest which comprise approximately thirty-five thousand three hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed a part of, the Strawberry Mountain Wilderness as designated by Public Law 88-577;

(28) certain lands in the Wallowa-Whitman National Forest which comprise approximately sixty-seven thousand five hundred acres, are generally depicted on a map entitled "Eagle Cap Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Eagle Cap Wilderness as designated by Public Laws 88-577 and 92-521;

(29) certain lands in the Wallowa-Whitman National Forest, which comprise approximately twenty-two thousand seven hundred acres, are generally depicted on a map entitled "Hells Canyon Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Hells Canyon Wilderness as designated in Public Law 94-199;

SEC. 4. (a) In order to conserve, protect, and manage, in a substantially undeveloped condition, certain national forest system lands in the State of Oregon having unique geographic, topographic, biological, ecological features and possessing significant scenic, wildlife, dispersed recreation, and watershed values, there is hereby established, within the Umpqua, Willamette, Winema and Deschutes National Forests, the Oregon Cascades Recreation Area (hereinafter referred to in the Act as the "recreation area").

(b) The recreation area shall comprise approximately one hundred fifty seven thousand acres as generally depicted on a map entitled "Oregon Cascades Recreation Area" dated March 1984. Except as otherwise provided in this section, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall administer and manage the Recreation Area in accordance with the laws and regulations applicable to the national forest system so as to enhance scenic and watershed values, wildlife habitat, and dispersed recreation.

(c) The recreation area shall be managed in accordance with plans prepared in subsection (g) to:

(1) provide a range of recreation opportunities from primitive to full service developed campgrounds;

(2) provide access for use by the public;

(3) to the extent practicable, maintain, the natural and scenic character of the area; and

(4) provide for the use of motorized recreation vehicles.

(d) (1) Subject to valid existing rights, all mining claims located within the Recreation Area shall be subject to such reasonable regulations as the Secretary may prescribe to insure that mining activities will, to the maximum extent practicable, be consistent with the purposes for which the Recreation Area is established. Any patent issued after the date of enactment of this act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary shall prescribe.

(2) Effective January 1, 1989, and subject to valid existing rights, the lands located within the recreation area are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to the mineral leasing and geothermal leasing and all amendments thereto.

(e) Within the recreation area, the Secretary may permit, under appropriate regulations those limited activities and facilities which he determines necessary for resource protection and management and for visitor safety and comfort, including—

(1) those necessary to prevent and control wildfire, insects, diseases, soil erosion, and other damaging agents including timber harvesting activities necessary to prevent catastrophic mortality from insects, diseases or fire;

(2) those necessary to maintain or improve wildlife habitat, water yield and quality, forage production, and dispersed outdoor recreation opportunities;

(3) livestock grazing, to the extent that such use will not significantly adversely affect the resources of the recreation area;

(4) salvage of major timber mortality caused by fire, insects, disease, blowdown, or other causes when the scenic characteristics of the Recreation Area are significantly affected, or the health and safety of the public is threatened, or the overall protection of the forested area inside or outside the recreation area might be adversely affected by failure to remove the dead or damaged timber;

(5) those developments or facilities necessary for the public enjoyment and use of the recreation area, when such development or facilities do not detract from the purposes of the recreation area; and

(6) public service land occupancies, including power transmission lines, provided there is no feasible alternative location, and, the Secretary finds that it is in the public interest to locate such facilities within the recreation area.

(f) The following lands within the recreation area are hereby designated as wilderness and therefore as components on the National Wilderness Preservation System, and shall, notwithstanding any other provisions of this section, be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act: Certain lands in the Umpqua and Winema National Forests which comprise approximately fifty-five thousand one hundred acres, are generally depicted on a map dated March, 1984, entitled "Mount Thielsen Wilderness—Proposed", and which shall be known as the Mount Thielsen Wilderness; and certain lands in the Umpqua, Willamette, Winema and Deschutes National Forests, which comprise approximately fifteen thousand seven hundred acres, are generally depicted on a map dated March, 1984, entitled "Diamond Peak Wilderness additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Diamond Peak Wilderness as designated in Public Law 88-577.

(g) Management direction for the recreation area shall be developed in either the forest plans developed for the Umpqua, Winema, Deschutes and Willamette Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, or in an integrated management plan that shall be prepared within three years from the date of enactment of this Act and revised in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Any plan developed by the Secretary for the recreation area shall identify and designate specific and appropriate areas and routes for the use of motorized recreation vehicles within the recreation area.

SEC. 5. (a) As soon as practicable after this Act takes effect, the appropriate Secretary shall file the maps referred to in sections 3 and 4 of this Act and legal descriptions of each wilderness area designated by sections 3 and 4 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture; and the Director, Bureau of Land Management, Department of the Interior.

(b) Subject to valid existing rights, each wilderness area designated by sections 3 and 4 of this Act shall be administered by the appropriate secretary in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that, with respect to any areas designated in sections 3 and 4 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Oregon lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from the areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 7. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Oregon and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Oregon, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Oregon;

(2) with respect to the national forest system lands in the State of Oregon which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), and those lands referred to in subsection (d), except those lands remaining in further planning or special management pursuant to section 4 of this Act upon enactment of this Act, that review and evaluation or reference shall be deemed for the purpose of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness options when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Oregon reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 4 of this Act or remaining in further planning upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans;

(4) in the event that revised land management plans in the State of Oregon are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those national forest system roadless lands which were evaluated in the Mt. Hood, Siskiyou, Umatilla, Umpqua, Wallowa-Whitman, Willamette, and Winema National Forests in the State of Oregon which were evaluated in the Eagle Creek; Roaring River; Mt. Butler-Dry Creek; Oregon Butte; Cougar Bluff-Williams Creek; Grand Ronde; Wallowa Valley; Willamette; or Chemult unit plans; and

(2) national forest system roadless land in the State of Oregon which are less than 5,000 acres in size.

PURPOSE OF THE MEASURE

The purpose of H.R. 1149, as reported, is to resolve the RARE II issue in Oregon by designation of 23 new wilderness areas and additions to 8 existing wilderness areas; totaling 843,800 acres of national forest system lands, and 5,500 acres of Bureau of Land Management lands, as units of the National Wilderness Preservation System.

Also, the Act designates the Oregon Cascades Recreation Area; and would make RARE II lands in Oregon not designated as wilderness, wilderness study or remaining in further planning, available for uses other than wilderness.

SUMMARY OF MAJOR PROVISIONS

H.R. 1149, as reported, contains the following major provisions:

Section 2(a) recognizes that the State of Oregon possesses many areas of outstanding natural characteristics; and that the USDA's second roadless area review and evaluation (RARE II) identified those areas which would contribute to the National Wilderness Preservation System, and those which should be made available for non-wilderness uses.

Section 2(b) proposes to add certain national forest system lands in the State of Oregon to the National Wilderness Preservation System, and explains the purposes for same.

Section 3 provides the names, sizes and locations of 29 specific areas that H.R. 1149 as reported, would designate as wilderness.

Section 4 provides for designation of the Oregon Cascades Recreation Area and specifies the manner in which the Committee intends that the recreation area is to be managed. Section 4 also provides for designation of one new wilderness area and additions to one existing wilderness area within the Oregon Cascades Recreation Area.

Section 5 provides for the filing of official maps of the wilderness areas designated by H.R. 1149, by the appropriate Secretaries; and that said areas be managed in accordance with provisions of the Wilderness Act of 1964.

Section 6 prohibits the establishment of buffer zones around wilderness areas in the State of Oregon.

Section 7 contains the "release language" that specifies the general guidelines for future management of the RARE II areas not designated as wilderness, wilderness study or remaining in further planning as a result of passage of H.R. 1149 as reported.

BACKGROUND AND NEED

In June 1977, the U.S. Forest Service instituted its second roadless area review and evaluation (RARE II). This program was intended to survey the roadless and undeveloped areas within the National Forest Service and to distinguish areas suitable for wilderness designation from those most appropriate for other uses. The areas recommended for wilderness would be candidates for addition to the National Wilderness Preservation System by Congressional action. The remaining roadless lands were allocated to nonwilderness, for uses determined under the multiple-use planning process, or were allocated to further study.

In his proposals for RARE II lands made in April 1979, President Carter made final recommendation to Congress based on the review of 2,919 identified roadless areas encompassing 62 million acres in the national forest system, including the National Grasslands. The past Administration recommended that wilderness designation be given to

approximately 15.4 million acres of the original 62-million-acre roadless inventory. Another 10.8 million acres of roadless lands were determined to require further planning before decisions could be made on their management. The balance of the areas—totaling about 36 million acres—were allotted for nonwilderness, multiple-use management.

Soon after the completion of RARE II, the State of California brought suit against the Secretary of Agriculture challenging the legal sufficiency of the RARE II Final Environmental Statement as it related to more than 40 areas in the State of California. In January 1980, Judge Lawrence Karlton of the United States District Court for the Eastern District of California, in the *State of California v. Bergland*, 483 F. Supp. 465 (1980), held that the RARE II Final Environmental Statement had insufficiently considered the wilderness alternative for the specific areas challenged. Judge Karlton enjoined any development which would “change the wilderness character” of these areas until subsequent consideration of the wilderness values in compliance with the National Environmental Policy Act was completed by the Department of Agriculture.

The Ninth Circuit Court of Appeals issued a decision October 22, 1982, on the RARE II California suit, *California v. Block*. The decision generally upheld the district court's view that the Forest Service RARE II Final Environment Impact Statement (EIS) was inadequate as to the challenged areas.

While this court decision affects only the State of California, there has been considerable concern that similar suits might be filed in other States. Such an occurrence would seriously disrupt the management of the national forest system.

The RARE II process during 1977–79 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976. That process requires that the land plans be revised periodically to provide for a variety of uses including wilderness. In conjunction with the National Environmental Policy Act, NFMA provides that the option of recommending land to Congress for inclusion in the National Wilderness Preservation System must be considered during the planning process for those lands which may be suited for wilderness. The Forest Service is presently developing the initial, or “first-generation” plan for each national forest. These are the so-called “section 6” plans and are to be completed by September 30, 1985. As one of the goals of RARE II was to consider the wilderness potential of all national forest roadless areas, the Forest Service regulations for implementing the National Forest Management Act (36 CFR 219.12. (3), Federal Register, September 17, 1979, pg. 53988) provide that lands designated by RARE II for multiple uses other than wilderness need not again be considered for wilderness in the course of developing the “first generation” plans.

Oregon has 15,605,290 acres in the national forest system. Of those acres, 1,212,875 are already in the National Wilderness Preservation System. During the second roadless area review and evaluation (RARE II) the Forest Service identified approximately 3 million

acres in Oregon as being roadless and undeveloped. In the RARE II Final Environmental Impact Statement, 368,000 acres were recommended for wilderness, 400,000 acres were identified for further planning, and approximately 2.2 million acres were allocated to multiple uses other than wilderness. Approximately 30,000 acres of the lands recommended for wilderness were included in legislation modifying the boundaries of Crater Lake National Park enacted during the 96th Congress.

During the 96th Congress, S. 2031, proposing to add 451,000 acres to the wilderness system, passed the Senate but failed to receive approval in the House of Representatives; leaving the RARE II issue unresolved.

A complaint was filed in the U.S. District Court for the State of Oregon on December 13, 1983, by the Oregon Natural Resources Council. The council seeks to stop ongoing or planned activities which might eventually change the wilderness characteristics of approximately 2.2 million acres of Oregon roadless areas in the national forests allocated to nonwilderness by RARE II.

H.R. 1149, as reported, would add 849,300 acres to the National Wilderness Preservation System to bring the total wilderness in Oregon to 2,062,175 acres. Also, of major significance, the bill would bar future lawsuits relating to the RARE II process and put to rest the question of further wilderness review of RARE II lands for 10 to 15 years, thus allowing Forest Service land management planning efforts to move forward.

The Committee concludes that H.R. 1149 as reported results in a balance between national forest lands preserved as wilderness and those available for nonwilderness uses, particularly timber management, which is so vital to the well-being of the Nation and the State of Oregon in particular.

LEGISLATIVE HISTORY

H.R. 1149 passed the House of Representatives on March 21, 1983. The Public Lands and Reserved Water Subcommittee held field hearings on July 21, 1983, in Bend, Oregon and August 25, 1983, in Salem, Oregon. The Public Lands and Reserved Water Subcommittee held a hearing in Washington, D.C. on October 23, 1983. The Administration opposes the enactment of H.R. 1149, as passed by the House of Representatives, and has taken no formal position on the bill, as amended by the Committee.

At a business meeting on May 2, 1984, the Senate Committee on Energy and Natural Resources ordered H.R. 1149, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 2, 1984, by a unanimous vote of a quorum present recommended that the Senate pass H.R. 1149, if amended, as described herein.

The rollcall vote on reporting the measure was 21 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker ¹	
Mr. Domenici ¹	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski ¹	
Mr. Nickles ¹	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz ¹	
Mr. Evans	
Mr. Johnston ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum ¹	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas ¹	
Mr. Bradley	
Mr. Levin ¹	

¹ Indicates voted by proxy.

COMMITTEE AMENDMENTS

The Committee accepted one amendment to H.R. 1149 in the nature of a substitute text which contains 7 sections as follows:

Section 1. This section entitles the Act as the "Oregon Wilderness Act of 1984".

Section 2. This section acknowledges that the State of Oregon possesses many areas of outstanding natural characteristics; and that the Forest Service RARE II process contributed to the identification of those areas that would contribute toward rounding out the National Wilderness Preservation System; and those that should be made available for nonwilderness uses. The Committee intends that certain of those RARE II areas, those of particular outstanding character and resources be protected for the benefit and enjoyment of all present and future generations.

Section 3. This section designates specific areas in the State of Oregon as wilderness. The Committee recommends 23 new wilderness areas and additions to 8 existing wilderness areas, totaling 849,300 acres be designated as components of the National Wilderness Preservation System, as follows:

New wilderness areas:	Acres
1. Columbia Wilderness.....	39,000
2. Salmon-Huckleberry Wilderness.....	44,600
3. Badger Creek Wilderness.....	23,500
4. Bull of the Woods Wilderness.....	34,000
5. Drift Creek Wilderness.....	5,800
6. Rock Creek Wilderness.....	7,400

7. Cummins Creek Wilderness.....	9,300
8. Boulder Creek Wilderness.....	19,100
9. Rogue-Umpqua Divide Wilderness.....	33,200
10. Waldo Lake Wilderness.....	39,200
11. Menagerie Wilderness.....	4,800
12. Middle Santiam Wilderness.....	7,500
13. Grassy Knob Wilderness.....	7,700
14. Red Buttes Wilderness.....	3,800
15. Sky Lakes Wilderness.....	116,300
16. Bridge Creek Wilderness.....	5,400
17. Mill Creek Wilderness.....	17,400
18. Black Canyon Wilderness.....	13,400
19. North Fork John Day Wilderness.....	121,300
20. North Fork Umatilla Wilderness.....	20,200
21. Glacier Wilderness.....	18,300
22. Table Rock Wilderness.....	5,500
Mount Thielsen Wilderness ¹	55,100
Additions to existing wilderness:	
23. Mount Jefferson Wilderness Additions.....	6,800
24. Mount Washington Wilderness Additions.....	6,400
25. Three Sisters Wilderness Additions.....	38,100
26. Gearhart Mountain Wilderness Additions.....	4,100
27. Strawberry Mountain Wilderness Additions.....	35,300
28. Eagle Cap Wilderness Additions.....	67,500
29. Hell's Canyon Wilderness Additions.....	22,700
Diamond Peak Wilderness Additions ¹	15,700
Special areas: Oregon Cascades Recreation Area.....	² 157,000
Total acreage affected.....	935,500

¹ Within Oregon Cascades Recreation Area.

² 55,100 acres is included in the Mount Thielsen Wilderness and 15,700 acres in the Diamond Peak Wilderness addition.

Area descriptions

1. *Columbia Wilderness*.—The 39,000-acre proposed Columbia Wilderness is located on the Mt. Hood National Forest in the Columbia River Gorge about 45 miles east of Portland. There is an extensive trail system throughout the area, including the Pacific Crest National Trail and the Eagle Creek Trail. The area provides critical wildlife habitat for a number of game and nongame animals. High quality water resources support two fish hatcheries located outside the proposed wilderness. Although this proposed wilderness contains dense forests, the timber is not presently included in the current programmed harvest.

The Committee modified the western boundary to avoid conflict with Public Law 95-200 which directs that the Bull Run River Watershed and a surrounding buffer zone be managed for the production of clear raw potable water. Management of the Bull Run Watershed includes vegetation modification that would not be compatible with wilderness designation.

The Committee intends that the area affected by the boundary modification be excluded from the regulated harvest of the Mt. Hood National Forest.

A similar area was recommended for wilderness in RARE II by the Forest Service, and was included in the Senate-passed "Oregon Wilderness Act of 1979", and H.R. 1149 as passed by the House.

2. *Salmon-Huckleberry Wilderness*.—The 44,600-acre Salmon-Huckleberry Wilderness, just south of Mt. Hood, is one of the largest tracts of wild land remaining on the Mount Hood National Forest. Located just 35 miles east of the homes of one-third of the State's

population, it contains nearly 20 miles of the Salmon River, as well as the upper Eagle Creek drainage. In addition to outstanding opportunities for primitive recreation, the area has important watershed, fisheries, wildlife, scientific and educational values which require protection as wilderness.

The Salmon River is the most important anadromous fish stream in the Sandy River Basin, with healthy populations of Chinook and coho salmon, and steelhead trout. All streams in the proposal support resident trout as well. Eagle Creek provides vital high quality water to a national fish hatchery. A portion of the area was included in the Senate-passed "Oregon Wilderness Act of 1979."

The Committee has modified the boundary of H.R. 1149 to exclude an existing timber sale east of Tumbling Creek and another sale along the eastern edge. An area near Squaw Mountain was removed to exclude several man-made features.

A section (16) south of Zigzag was excluded from H.R. 1149 because it was in private ownership. This section has now been acquired by the Government and most of this section is now included in the wilderness proposal.

The resultant area is now on manageable wilderness boundaries and excludes nonconforming features.

The Committee notes that portions of the area (of approximately 10,000 acres) near the end of the Salmon River Road which were included in the House-passed bill have been excluded from its recommendation. This boundary has been drawn to accommodate the need for recreation development.

3. Badger Creek Wilderness.—The proposed 23,500-acre Badger Creek Wilderness is located on the east slope of the Cascades in the Mt. Hood National Forest. The area provides a rare eastern Oregon wilderness experience easily accessible to those residing in the heavily-populated Portland area.

The Badger Creek area is characterized by steep slopes, basalt outcroppings, and shallow soils. Timber in isolated canyons ranges from high elevation fir to a unique ponderosa pine-Oregon oak community at the lower end. (Badger Creek offers the only opportunity to include this community type in the National Wilderness Preservation System.) The area is also critical winter and summer range for deer and elk, and its solitude and native forest provide habitat for diminishing species such as cougar, marten, fisher, bald eagle, spotted owl, and wolverine. Three major streams provide excellent habitat for native fish runs. Several trails provide hiking access to two lakes and views of six major Cascade peaks. This is a popular recreation area for spring and fall hiking.

The boundaries of the House bill were adjusted to exclude the existing Highland, Cabin, and South Puma timber sales and to eliminate a narrow finger which would not provide a wilderness experience to the users.

Over half the area was recommended for Wilderness in the 1979 Senate-passed bill. The boundaries recommended by the Committee provide a road corridor to the Badger Lake Reservoir. Wilderness designation for the area is not intended to restrict necessary management of the reservoir nor the maintenance of existing irrigation ditches. The Flag Point road is also excluded from the Wilderness.

4. *Bull-of-the-Woods Wilderness*.—The proposed Bull-of-the-Woods Wilderness of 34,900 acres is located on Mt. Hood and Willamette National Forests. It contains the headwaters of the Collawash, Breitenbush, and Little North Fork Santiam Rivers. The entire area is close to the popular Willamette Valley.

Elevations range from 2,000 to 5,500 feet and is characterized by steep mountainous country dissected by numerous streams. Rocky Slopes and outcrops are common on the upper slopes and are often associated with shallow soil.

This high western ridge of the Cascades contains both lakes and streams which support resident fish populations.

The lower slopes are covered with dense stands of old-growth Douglas-fir and western hemlock. The upper slope supports stands of Douglas-fir, true firs, and hemlock. These stands provide habitat for a wide range of animal and bird species dependent upon old-growth stands.

The Committee modified the original boundary of the House bill to exclude existing timber sales, provide for more definable boundaries and reduce the adverse impacts on available timber from the National Forest system.

The Committee considered, but deleted from the House bill, the Opal Creek drainage. The Opal Creek drainage, including Jaw Bone Flat, Little North Fork, Battle Ax Creek, and Gold Creek, Willamette National Forest, contains buildings, structures, and improvements relating to past and present mining activity. Prior to initiating activities that may affect such buildings, structures and improvements, the Forest Service shall inventory the buildings and structures and determine their historic value and shall then apply 36 CFR 800 procedures to assure adequate consideration and protection of historic buildings, structures, and features, and submit this report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. The Committee recommends that the Forest Service, in conducting this inventory, investigate exchange of lands within the area to facilitate preservation of the aforesaid operations.

5. *Drift Creek Wilderness*.—The 5,800-acre Drift Creek area is located in the Oregon Coast Range.

Elevation ranges from 150 feet above sea level near lower Drift Creek to 1500 feet at the ridgelines. Terrain is broken and uneven, characterized by long steep slopes with moderately unstable soils. The wilderness includes a portion of the Drift Creek drainage, which is a tributary of the Alsea River. Drift Creek supports runs of Chinook and coho salmon and steelhead trout. The area is dominated by stands of old-growth Douglas-fir which provide habitat for several pairs of northern spotted owls. Present use by hikers centers on the Horse Creek Trail and the Harris Ranch Trail. The area contains numerous blacktail deer and Roosevelt elk.

While this area was not included in the House-passed bill or the 1979 Oregon Wilderness Act, the Committee feels the outstanding recreational values, which are not present in many coastal roadless areas warrant its inclusion in this legislation.

6. *Rock Creek Wilderness*.—The area contains 7,400 acres of which 550 acres are privately owned and are included in a pending land exchange. Located in Oregon's Coast Range, the area includes elevations ranging from 100 feet along Rock Creek to 2,200 feet near Fairview Mountain. The steep and broken topography is covered by a dense coniferous forest of the Coastal ecosystem which is not presently well represented in the wilderness system. Cross-country travel is difficult and challenging.

Both Rock Creek and Big Creek flow directly into the Pacific Ocean and support runs of anadromous fish. Rock Creek is managed as a wild fishery by the State of Oregon.

A very similar proposal was recommended for wilderness classification in RARE II and was included in the Senate-passed Oregon Wilderness Act of 1979, and the House bill.

7. *Cummins Creek Wilderness*.—The 9,300-acre Cummins Creek area is a representative of the coastal Sitka spruce/western hemlock forest type. It provides an opportunity to include old-growth Sitka spruce in Oregon's wilderness system.

The two principal streams in the area, Cummins Creek and Bob Creek, both drain directly to the Pacific Ocean, and both support good runs of anadromous fish.

The area is presently used by both deer and elk hunters.

The west end of the area includes a 3-mile gravel road. The Committee expects the Forest Service to rehabilitate the road and convert to trail use. A similar proposal was included in the House bill.

8. *Boulder Creek Wilderness*.—Boulder Creek is located about 50 miles east of Roseburg in the Umpqua National Forest. These essentially old growth forested lands, consisting of 19,100 acres, represents the last large and virtually untouched watershed in the North Umpqua River basin. The area contains numerous mountain streams and meadows, rock monoliths and outcroppings. It includes at least one sulphur-bearing spring. Boulder Creek itself is a series of quiet pools connected with lively waterfalls and rapids.

The area is a major source of cold, pure water which contributes to the world-famous steelhead runs of the North Umpqua River. It is also a critical Roosevelt elk sanctuary, home of over 250 such animals that reside in the drainage. It contains a unique stand of ponderosa pine (Pine Bench) thought to be the largest such stand this far north and west of the summit of the Cascades.

Numerous archaeological and historical sites are found in the drainage. Its low elevation and extensive trail system offer year-round recreational access and many opportunities for different kinds of unrestricted activities. It has experienced a 20 percent increase in recreational use since 1978 including growing demands for hunting, hiking, and backpacking.

The Committee is aware of a number of old harvest units within the proposed Wilderness boundary. These were included to provide a manageable and identifiable boundary for the Wilderness. This proposal is similar to that included in the 1979 Senate-passed bill and the House bill. The Committee modified the east boundary which has been moved from the proximity of the Medicine Creek road to the ridge southwest of Perry Butte to provide a more identifiable and manageable bound-

ary. The boundary in the southwest corner has been moved westerly to include the Rattlesnake Rock area, a unit of land closely associated with Boulder Creek geologically.

9. *Rogue-Umpqua Divide Wilderness*.—The proposed 33,200-acre Rogue-Umpqua Divide Wilderness, as the name implies, is located on the divide between the Rogue and Umpqua drainages on two National Forests by the same names. It is 10 miles from Crater Lake National Park, and 70 and 90 miles from Medford and Roseburg respectively.

The Rogue-Umpqua Divide Wilderness proposal contains many unique geologic formations of Old Cascade volcanics (Grasshopper Mountain, Elephant Head, sandstone bluffs, etc.), as well as the highest peak in the Western Cascades, Fish Mountain (6,783 feet). Also included are three glacial valleys, including Castle Rock Fork, which provides 33 percent of the summer stream flows of the South Umpqua River and is, therefore, most important in terms of anadromous fish habitat.

The proposed includes over a hundred miles of interconnected trails, providing access for hunters, fishers, and backpackers. It contains habitat for over 200 elk, plus marten, bear, fox, cougar, and a variety of bird species. There is a great diversity of landscapes and ecotypes, including many lakes and extensive forested valleys.

It is the intention of the Committee that the Abbott Butte Research Natural Area continue to be managed for that purpose and that the portion of the Rogue-Umpqua Divide Scenic Area (as designated in the 1978 Land Management Plan for the Umpqua National Forest), which is outside of the proposed wilderness, continue to be managed for its scenic resource.

The Committee reduced the size of the area from that included in the House bill to remove existing timber sales, to develop more definable boundaries and to reduce the adverse impacts on timber harvest. The Committee notes that several important trails into the area which were included in the House-passed bill have been excluded from the Committee recommendation. The Committee recognizes the importance of these recreation trails but feels that they can and should be dealt with in the forest plan. Development activities in these areas should be undertaken in a manner which protects or relocates existing major trail corridors into the Rogue-Umpqua Divide Wilderness.

10. *Waldo Lake Wilderness*.—The 39,200-acre Waldo Wilderness is located on the Willamette National Forest. The high cascades are characterized by a variety of slopes from steep to moderate, and includes many basin-type areas with lakes, meadows, and rock outcrops. The western cascades portion is typified by mostly steep, dissected slopes. Elevations range from 2,800 to 7,144 feet. Two peaks in the area exceed 7,000 feet in elevation.

The high cascades supports stands of mountain hemlock, lodgepole pine, and true fir. Lands in the western cascades are mostly Douglas-fir, western hemlock, and some true fir association. Some natural openings of shrub, forb-grass types are present in this part of the area. Waldo Lake, one of the most pure lakes in the world is the predominant feature in the area. Many small streams originate here and flow to larger tributaries of the North Fork of the Middle Fork of the Willamette River. An impressive array of lakes is present, and a wide variety of

birds, animals, and amphibians are inhabitants of the area. Deer and elk summer in the meadows and adjacent timbered areas.

The Waldo Lake Wilderness area hosts a number of significant physiographic and biologic features which merit protection. Two of western Oregon's most outstanding forested canyons and important tributaries to the Willamette River are included: The North Fork of the Middle Fork Willamette River and Fisher Creek Canyon. A number of well-known features such as Waldo Mountain, Moolack Mountain, Rigdon Butte, Fuji Mountain, and Fuji Meadows are contained within this area.

The Committee notes that a larger Waldo wilderness was proposed for wilderness study in the House bill. The boundaries in the Committee recommendation are the result of analysis of the House study area boundaries and reflect the Committee's view of likely results of further study.

11. Menagerie Wilderness.—This 4,800-acre area on the Willamette National Forest is characterized by steep dissected slopes. Smaller areas of more gentle, undulating, smooth slopes are also present. This area contains many rock pinnacles that stand out as much as 400 feet above the surrounding landscape. These rock pinnacles make the area extremely valuable as a recreational rock climbing area as most other rock climbing areas are not located in such a remote vegetated area.

The lower slopes support dense stands of Douglas fir and hemlock typical of the lower slopes of the Cascade Range.

The Menagerie Wilderness was included in the House bill as a part of the Old Cascades Wilderness Study Area. The Committee has deleted Echo Mountain and Gordon Meadows, the other units of the Old Cascades included in the House bill.

12. Middle Santiam Wilderness.—This 7,500-acre area is located in the Willamette National Forest. It includes a wide variety of topography ranging from steep slopes, high peaks, and benchy lands. Elevations range from 1,600 to 5,022 feet. The low elevation and proximity to population centers results in a long season of use by people seeking outdoor recreation. Among the area's features are a number of small streams, a portion of the Middle Santiam River and Donaca Lake.

Vegetation varies from true fir associations at the upper elevations to outstanding stands of old-growth Douglas fir and western hemlock associations at the lower elevations. The Committee recognized the need to provide wilderness protection of old-growth Douglas fir for both recreational opportunities and dependent wildlife and associated ecological values.

In drawing the boundaries for its recommendation, the Committee has modified the House passed bill to exclude existing timber sales and a number of planned timber sales. The House boundaries would have placed an undue economic hardship on communities which are highly dependent upon federal timber for their economic livelihood. The area recommended by the Committee is bounded by National Forest lands on three sides and by private timber lands on the west. The western portion of the area is accessible by a private road; from the north, east, and south, it is accessible by National Forest roads.

13. Grassy Knob Wilderness.—The Grassy Knob Wilderness of 7,700 acres is located 5 miles east of the community of Port Orford, on

the Siskiyou National Forest and approximately 5 miles from the Pacific Ocean. The terrain is extremely rugged with elevations ranging from near sea level to 2,600 feet. Vegetation is representative of the wet and mild coastal environment. Old growth forests of Douglas-fir, Port Orford Cedar, and associated species cover the slopes with only rock bluff openings.

Small perennial streams supply cool water to the main item of the Elk River. This water supply is not only important to the productivity of the Elk River itself but also provides refuge, rearing, and spawning habitat for the valuable Elk River anadromous fishery. This water is also used by a State Fish hatchery. The Committee recommendation is reduced from the House bill, leaving other areas available for development in a manner which recognizes the importance of the Fisheries habitat.

The Committee feels that inclusion of the Grassy Knob area offers an excellent opportunity for research into root rot problems of Port Orford Cedar. A baseline study in this area could provide important information for application in other areas.

14. Red Butte Wilderness.—The 3,800-acre Red Buttes Wilderness is located on the Oregon-California border 40 miles inland from the Pacific Ocean. It is entirely within the Siskiyou National Forest. The area drains into Sucker Creek, thence the Illinois River.

Tannen Mountain and lakes, Sucker Creek, and sharp ridges are the more prominent physical features. Glaciation has created interesting geologic features. Elevations vary from about 3,300 feet to 6,300 feet. Most of the area is upper slope forest, with only one ridge tops and rocky sites being open. The lower slopes are heavily forested by white fir, Shasta red fir, and Douglas-fir.

Plant life is both diverse and fascinating. Relatively uncommon species such as the weeping Brewer spruce (a pre-Ice Age relic) contributes to the unique varieties of plant forms.

The area is quite scenic. Recreation access is good to and through the proposed wilderness. Several maintained trails and walk-in camping sites exist. The ridge-top trail is part of the National Recreation Trail system.

The area yields extremely high-quality water to downstream recreation, irrigation, domestic, and fishery uses. Resident trout exist within the streams. The lower reaches of Sucker Creek contains anadromous fish (salmon and steelhead).

15. Sky Lakes Wilderness.—The Sky Lakes Wilderness extends southward from Crater Lake National Park to Oregon Highway 140 and includes lands on two National Forests, the Rouge River and Winema. The area is dominated on the south by Mount McLoughlin (9,495 feet), and as one proceeds northward to the National Park the terrain levels out into a broad plateau-like ridge that is dotted with many glacier-carved lakes. The highly scenic Pacific Crest Trail traverses the entire length of the proposed Wilderness. The 116,300-acre area is extremely popular with hunters, hikers, and campers. Because of its accessibility to day users from a large area in southern Oregon and its scenic characteristics, the Forest Service has attempted to manage the majority of this area in a roadless backcountry status. As a result, the entire area has been out of the timber base for many years.

Sky Lakes serve as important elk (and other wildlife) habitat, and is used by the famous Union Peak herd, which summer in the higher elevations of Crater Lake National Park. The proposal was recommended by the Forest Service in RARE II and the identical area was included in Senate-passed "Oregon Wilderness Act of 1979" and the House-passed bill.

16. Bridge Creek Wilderness.—The proposed 5,400-acre Bridge Creek Wilderness is located on the Ochoco National Forest several miles south of Mitchell. Bridge Creek provides for a multitude of backcountry experiences. It offers an excellent opportunity as a day use wilderness area, particularly in view of its relatively access as a result of an extensive loop trail.

Included among the scenic attractions is an 800-foot cliff at North Point, which provides a view of the Cascade Range.

A variety of forest types are found, including ponderosa pine, Douglas-fir, western larch (tamarack) and white fir. The proposal contains the headwaters of several creeks. The area is used by bear, elk, mule deer, and many nongame mammals and birds including golden eagles. It also provides important escape cover for elk and deer during hunting season.

A nearly-identical proposal was included in the Senate-passed "Oregon Wilderness Act of 1979."

Approximately 10 miles south of Bridge Creek is the 15,577 acre Lookout Mountain roadless area. This area is presently managed by the Ochoco National Forest as a "Special Management Area" for dispersed recreation and backcountry values. The area is not presently in the timber base. The Committee expects the Forest Service to examine the feasibility of continuing this use in the current National Forest Plan and determine the land allocation in the Forest Plan.

17. Mill Creek Wilderness.—The proposed Mill Creek Wilderness is located on the Ochoco National Forest 25 miles northeast of Prineville. It is 17,400 acres in size.

Mill Creek is an intact watershed with many unique geologic features. It is primarily a ponderosa pine forest, and includes some of the finest specimens left in Oregon. Several recreation trails cross the area, which is heavily used by local hunters, fishers, and wilderness survival classes. Its streams support a sizable population of resident trout. The watershed is prime habitat for several game species, most notable mule deer, Rocky Mountain elk and black bear. Terrain is varied from steep slopes in Desolation Canyon to nearly flat meadows, prairies and lodge pole thickets.

The Forest Service currently manages most of the area as an unroaded and undeveloped "Special Management Area."

18. Black Canyon Wilderness.—The proposed 13,400-acre Black Canyon Wilderness is located on the Ochoco National Forest approximately 6 miles southwest of Davville in Wheeler County. It is representative of the steep and rugged canyon country of central Oregon. The slopes are intermittently open and forested with ponderosa pine, Douglas fir and white fir. There are pockets of quaking aspen, wet slumps, talus slopes, numerous openings and relatively level benches. The area has high fish and wildlife values. Bear and cougar are common, and the area is a popular one for hunting Rocky Mountain elk.

Three quarters of the area is rated as moderate or high potential for sedimentation and reduction of water quality. Black Canyon and other creeks are important anadromous fish providers, which contribute to preserving and enhancing Columbia River fish runs.

An identical proposal was recommended for Wilderness designation by the Forest Service and was included in the Senate-passed "Oregon Wilderness Act of 1979."

19. North Fork John Day Wilderness.—In developing its recommendation for this area, the Committee has given high priority to protection of fisheries habitat. The North Fork John Day is an extremely important native fishery habitat for Columbia River salmon. The Committee notes that it has excluded nearly 100,000 acres which was included in the House proposal. In doing so, the Committee wishes to emphasize that its action does not reflect lack of concern for protection of fisheries in the excluded areas. Rather, the Committee feels that in the development of forest plans for these areas, the Forest Service can and should afford recognition of the importance of this habitat. Development activities should be undertaken in a manner which minimizes impacts upon this important resource.

The area included in the Committee recommendation actually includes 4 distinct units. For purposes of identification, the Committee discussion of the area is broken down into these units and the Committee recommends that the Forest Service utilize similar units in its management of the North Fork John Day Wilderness:

a. North Fork John Day Unit

The 85,000-acre North Fork John Day unit is located on the Umatilla National Forest with a small portion on the Wallowa-Whitman National Forest.

The proposed area is bisected by approximately 25 miles by the North Fork John Day River Canyon. Outside the river canyon proper, about 60 percent of the land is composed of gentle benchlands and tablelands. The remainder is composed of steep ridge sideslopes.

The south side of the river is covered by an almost continuous vegetative canopy. The north side is covered by a variety of vegetative patterns of open growing ponderosa pine to dense lodgepole pine stands. Other tree species include Douglas-fir, white fir, and western larch.

The North Fork John Day River and tributaries contain the highest quality water found in the entire John Day drainage. Combined with excellent spawning grounds, the canyon is responsible for 34 percent of all chinook salmon produced in the North Fork John Day system. The main stem river and tributary streams within this area account for over 40 miles of steelhead and trout habitat.

Aside from a long history of commercial and recreational mining the greatest recreation use is for hunting, fishing, hiking, and horse use.

b. Tower unit

The Tower unit is completely within the Umatilla National Forest. It is comprised of about 8,100 acres, laying just north of Forest Highway 52, encompassing the headwaters of Winom Creek and Big Creek, tributaries to the North Fork John Day River. Topography is generally moderate to steep sideslopes with some gently sloping tablelands, predominantly covered by relatively dense virgin stands of associated conifer species such as Douglas-fir, white fir, western larch,

and lodgepole pine, with alpine species at the higher elevations. Elevation ranges from about 5,100 to 6,850 feet at Tower Mountain Lookout.

The dominant wildlife species are elk and deer, with some bear. Small game and nongame species occur in varying degrees.

Predominant recreation forms are big game hunting and fishing, with some trail hiking.

The Committee has drafted its boundary to avoid conflicts with potential mining activity in the Cable Cove area.

c. Greenhorn unit

The Greenhorn unit is located in the very southeast corner of the Umatilla National Forest and adjacent to the Malheur National Forest and adjacent to the Malheur and Wallowa-Whitman National Forests. The 13,700 acres area is entirely within Grant County. It includes about 6,000 acres of eastern portions of the Vinegar Hill-Indian Rock Scenic Area. It contains some of the higher elevations in the area.

It is a popular deer and elk hunting area. Many old mines in the area draw people for recreational and historical pursuits, especially among the local residents.

The area includes the headwaters of Lake and Lost Creek, and Clear Creek, all tributary through Granite Creek, to the North Fork John Day River. Clear Creek is especially important to the Chinook salmon production in the John Day River system.

Conifer species common to the area are western larch, Douglas-fir, Englemann spruce, lodgepole pine, alpine fir and white bark pine.

The boundary for this unit has been drawn to avoid conflicts with potential mining activity.

d. Baldy Creek Unit

Approximately 15,000 acres of scenic alpine lake basins and headwater areas of the North Fork John Day River are included. This area provides protection to sensitive fisheries habitat. The boundary generally follows the hydrologic divide around Bull Creek, Baldy Creek, and the upper reaches of North Fork John Day River except as necessary to avoid inclusion of adjacent private land and the proposed expansion of the Anthony Lakes Ski Area. The boundary provides a corridor of approximately $\frac{1}{4}$ mile wide to access Peavy Cabin and from there west it follows the southern edge of the North Fork John Day River.

The Committee recognizes the powerline in the upper reaches of Baldy Creek as a nonconforming use which will be allowed to continue.

20. North Fork Umatilla Wilderness.—The proposed North Fork Umatilla Wilderness is located on the Umatilla National Forest just 30 miles from Pendleton in northeast Oregon. It is 20,200 acres in size.

The area is characterized by gentle native bunchgrass covered plateaus, which are divided by extremely steep timbered canyons. Typically, the north facing slopes are forested, while south facing slopes have native grasses. Quality and quantity water production is a major resource of the area. The river supports sizable runs of anadromous fish, as well as Dolly Varden trout. Present high late-season flows also contribute to downstream irrigated agriculture. Recreation use is heavy by hunters, hikers, equestrians, fishing groups, and native tribes. The area has excellent big game habitat (deer and elk) and has superb

summer range where calving, rearing, and breeding occur. It is also critical deer winter range. Blue and ruffed grouse are common.

The Committee has modified the boundaries included in the House bill to reflect manageable boundaries and to exclude an existing timber sale.

21. Glacier Wilderness.—The Glacier Wilderness is located 25 miles east of John Day in the Malheur National Forest and contains 18,300 acres. The area encompasses the west side of the north fork of the Malheur River and a portion of the upper drainage of the John Day River, an important anadromous fish river.

The forest types range from examples of ponderosa pine forest in the lower elevations to subalpine species at the upper elevations. The area also includes quaking aspen, Douglas-fir, white fir, and lodgepole pine. Diverse wildlife habitat provides homes for bear, deer, elk, grouse, hawks, badger, and the rare wolverine.

22. Table Rock Wilderness.—Table Rock Wilderness is proposed in the Salem District of the Bureau of Land Management.

The proposed 5,500 acre wilderness is close to both Portland (40 miles) and Salem (35 miles) and as a result is heavily used by both hikers and equestrians. Its relatively small size is testimony to the fact that surrounding lands have been almost completely developed. As such, Table Rock represents a remaining ecologically intact island in an ocean of development. The area has an extensive trail system, and because of its lower elevation is available for year-round primitive recreation.

The forest is typical of the western Cascades: Douglas-fir and hemlock with noble fir at higher elevations. Other species include chinquapin, white pine, incense cedar, western redcedar, big leaf and vine maples, madrone, oak and red alder. Understory species include Oregon grape, huckleberry, sour clover, bracken and dur firs, blackberry, rhododendron and various grasses.

The area has several rare and endangered plants, including the giant adder's tongue, snow bramble, calypso fair orchid, pinesap, and Clackamas iris. While not containing anadromous fish habitat, the areas streams provide cold, clean water for downstream fish. Other wildlife species include pleated woodpecker, coyote, bear, and redtailed hawk.

23. Mt. Jefferson Wilderness Additions.—The five areas totaling 6,800 to be added are all within the High Cascades physiographic province. All parcels of this area are characterized by some steep talus slopes, high elevation location, with rock outcrops and meadow openings. Spectacular views of Mt. Jefferson and the surrounding forest area are available from these locations. Vegetative species common to the area include Douglas-fir, mountain hemlock, vine maple, ocean spray, chinquapin, and huckleberry.

The Committee has modified the House boundaries to exclude non conforming features.

24. Mt. Washington Wilderness Addition.—The proposed Wilderness addition of approximately 6,400 acres is located in both the Deschutes and the Willamette National Forests. The added lands are contiguous to the existing Wilderness on its north and east boundaries. The area contains large lava flows from Mount Washington as well as the foothills of the mountain itself. Over 100 different species of wildlife are supported by this area. This addition helps make for a more

manageable Wilderness boundary. This area was recommended for wilderness designation by the Forest Service at the completion of RARE II and was included in the 1979 Senate-passed Oregon Wilderness Bill and the House bill.

25. Three Sisters Wilderness Additions.—The proposed additions to the Three Sisters Wilderness total 38,100 acres, and include some of Oregon's most outstanding wild country. Most of the proposal is perceived by the public to be a part of the existing Three Sisters Wilderness area, and, in fact, much is now managed by the Forest Service as roadless backcountry.

These additions on the east, west, and south sides will add ecological diversity to the Wilderness by securing some forests downslope from the currently protected alpine and sub-alpine lands. Approximately 130 wildlife species inhabit the area. There are numerous streams, meadows, and waterfalls, including the series of spectacular falls on Squaw Creek. Rainbow Falls is included in the area.

The additions also include many primitive recreational lakes with significant biological values. The natural features included will provide for more diversity and a more manageable Wilderness boundary.

The Committee made a minor adjustment in the original boundary of H.R. 1149 in order to exclude the existing Applejack timber sale.

26. Gearhart Mountain Wilderness Addition.—This 4,100-acre addition to the Gearhart Mountain Wilderness is located in the Fremont National Forest of southern Oregon. Several miles of the North Fork of the Sprague River, Wagon Wheel Creek, and Dairy Creek would be included in the wilderness addition. One outstanding feature is the North Fork of the Sprague River canyon and the forested area to the east of the canyon. On the south side of the wilderness is a small addition referred to as Palisade Rocks, an area of unique geologic interest.

The Committee recommendation is identical to the Forest Service RARE II recommendation and the House-passed bill.

27. Strawberry Mountain Wilderness Additions.—The proposed additions to the Strawberry Mountain Wilderness total 35,300 acres, and include the headwaters of Pine, Indian, Strawberry, Canyon, Bear, and Lake Creeks.

This proposal is extremely diverse ecologically. Five of the seven major life zones in North America can be found here. It also supports a native population of Rocky Mountain elk. The addition includes the Canyon Creek Research Natural Area, and will improve both the quantity and quality of the wilderness experience. Currently, wilderness visitors will often enter and leave the designated area several times. Indeed at two points the existing wilderness is just 1.5 miles wide. The addition will provide for better management in general and help to control damage presently occurring due to off-road vehicle use.

The Forest Service recommended these additions for Wilderness in RARE II. The additions were included in the Senate-passed "Oregon Wilderness Act of 1979," and the Committee's recommendation is identical to the House-passed bill.

28. Eagle Cap Wilderness Additions.—The proposed additions to the Eagle Cap Wilderness contains about 67,500 acres within the Wallowa-Whitman National Forest. The lands are located in the glaciated, rugged Wallowa Mountains about 20 miles northeast of La Grande.

Approximately one-half of the wilderness additions are located within the Bear Creek-lower Minam River area. The Minam River and Bear Creek have their headwaters in the existing wilderness and run northwest through the entire length of the proposed wilderness addition. The western boundary of the proposed addition lies generally along the ridge above the Minam gorge so as to exclude some non-conforming uses. The Committee understands that existing uses of private land within the Wilderness will be allowed to continue unimpaired. This includes two airstrips and two private lodges. The lodges maintain aircraft landing strips on their lands. One of these strips has a runway approach on National Forest land where trees are cut and a clearing is maintained. The other lodge uses a portion of an adjacent meadow on public land for part of a landing strip. These existing uses should be allowed to continue.

The Minam River, Bear Creek, and Catherine Creek are all tributaries of the Grande Ronde River and are important fish and water producers. The additions will also help diversify the recreation experience found in the existing Eagle Cap Wilderness by adding lower elevation lands to the present alpine-type terrain. Critical elk calving areas and habitat will also be protected.

The proposed additions to the existing Wilderness also include about 3,000 acres along the Lostine River. A proposed boundary would extend the wilderness down to the Lostine River from near Pole Bridge south to the end of the Lostine River road. The existing boundary is drawn along township lines, and the Committee believes that this 3,000-acre addition which conforms to the topography of the area, is desirable and necessary to further protect the river.

The remaining additions are scenic alpine and sub-alpine areas in 2,000- to 8,000-acre parcels around the periphery of the Eagle Cap Wilderness. All are fully contiguous to the Eagle Cap Wilderness. Included is the Lick Creek addition as recommended by the Hells Canyon NRA Comprehensive Management Plan.

The Committee notes that the designation of these Wilderness additions fulfills the requirement of section 4 of the Act of October 21, 1972 (86 Stat 1026), the Lower Minam Wilderness Study Area.

29. Hells Canyon Addition.—The Hells Canyon addition of 22,700 acres include topography typical of the Snake River Canyon. The slopes are steep and of basalt origin. Vegetation consists of bunchgrass with scattered stringers of ponderosa pine and Douglas-fir in the upper reaches.

The area includes important winter range for both deer and elk. Big-horn Sheep have been reintroduced into this portion of their former habitat.

The southern boundary of the area follows the hydrologic divide along the south side of McGraw Creek. This includes approximately 1,900 acres administered by the Bureau of Land Management.

The Committee notes that the designation of these areas as wilderness satisfies the requirements of wilderness study as directed by P.L. 94-199. The Committee also expects the management of all other roadless areas included in P.S. 94-199 to be managed according to the direction provided within the Hells Canyon National Recreation Area Comprehensive Management Plan.

OTHER AREA CONCERNS

Joseph Canyon.—Joseph Canyon, on the Wallowa-Whitman National Forest is of cultural value containing 16 known archaeological sites. While the Committee did not include the area for wilderness designation as in the House bill, it does expect the Forest Service to consider these values in the development of its forest plan.

The Forest Service shall inventory all archaeological and historic sites in the drainage and determine their eligibility for the National Register of Historic Places. Prior to activities that may affect such prehistoric, historic or cultural sites, the Forest Service shall follow the procedures in 36 CFR 800 which implement the National Historic Preservation Act, as amended, in order to fully consider and protect the important values of such sites.

Mill Creek.—The Mill Creek watershed, located in the Umatilla National Forest, is a major water supply source for the city of Walla Walla, Washington. The Committee recommends that the Forest Service manage this watershed for the production of clear raw potable water.

Section 4. Provides for establishment of Oregon Cascades Recreation Area. During its consideration of the various Oregon wilderness proposals, the committee agreed to establish a 157,000-acre Oregon Cascades Recreation Area ("recreation area").

The recreation area stretches along the spine of the Cascade Range from north of Crater Lake National Park to just south of the Diamond Peak Wilderness. It is an outstanding area exhibiting rich diversity in landform and wildlife. The area also provides for a variety of recreational experiences.

In the southern portion of the recreation area, the Mt. Thielsen Wilderness is established and includes a 55,100-acre area surrounding Mt. Thielsen. The existing Diamond Peak Wilderness forms the northern boundary of the recreation area. The area in total contains a variety of landforms, ranging from essentially mountain desert to lush canyon meadows and high peaks. The area shelters four watersheds—the North Umpqua, Klamath, Deschutes and Willamette—protection of which is key to maintaining downstream water quality. Many lakes, ponds, rivers, and streams offer a rich recreational experience to day users as well as those who spend more time in this diverse area.

The roadless character of much of the recreation area is recognized as providing a variety of resource values including watershed, wildlife habitat, scenic, and recreation. The Cowhorn roadless area has been identified as a unique area, and protection of both its unique and sensitive characteristics is fully intended by the Committee.

The popular Pacific Crest Trails, as well as many other forest trails, pass through the area. Some of these trails have year-round uses including cross-country skiing and snowmobiling use in the winter months.

While the Committee has agreed to establish the Mt. Thielsen Wilderness and expand Diamond Peak Wilderness, it also recognizes other significant recreation demands which cannot be met if the entire area is included in the National Wilderness Preservation System. The purpose of the recreation area designation is to provide management options which are not permitted or feasible under the Wilderness Act of

1964. Generally, the Committee expects that the Forest Service will manage the area so as to maintain a near natural state, while providing for a wide range of recreation opportunities. The designation of this recreation area will not affect the management of existing or newly established wilderness. Wilderness will continue to be managed in accordance with the Wilderness Act of 1964 even though it may adjoin the recreation area.

Specific provisions are made for the development of a management plan to accomplish the objectives of the recreation area and provide direction to control other uses in the area. It is hoped that this planning can be prepared as a part of initial forest planning. This planning and subsequent revision shall be done in accord with applicable regulations and guidelines promulgated pursuant to the Forest and Rangeland Resources Planning Act of 1974, as amended.

The Committee expects that access will be provided in the area to the extent necessary to accomplish the purposes for which the recreation area is established. The area now contains several roads that are heavily used by recreationists. Road uses will be managed through development of plans in the integrated plan. The Committee is concerned that roads change the overall character of the area, and believes that new roads should not be constructed unless they are necessary to accomplish the purposes for which the recreation area is established or to effectively manage the area. Roads should be managed to maximize scenic and natural character of the area. Road management should be developed to assure that a variety of access is available to the public. Use of existing or new roads for administrative purposes or use by motorized recreational vehicle users will be allowed if identified as a compatible use in the management plan.

Because of its location in the scenic Cascade Range, and its proximate location to Crater Lake National Park, and the heavily used Diamond Lake composite on the Umpqua National Forest, the area provides a unique opportunity for dispersed recreation. The Committee feels that the excellent potential and future demand for motorized recreation on parts of the recreation area should be accommodated. Through the development of the management plan for these areas, the Committee hopes that the Secretary will designate certain portions, if appropriate, for snowmobiling use.

The Committee also included language regarding timber harvesting in nonwilderness portions of the recreation areas. Certain of these lands are highly vulnerable to insect infestation, primarily the mountain pine beetle. It is the intention of the Committee that management activities, including timber harvesting, be allowed in very limited circumstances to prevent the spread of insect, disease, or to reduce the threat of fire. Salvage sales to remove dead and dying timber will only be allowed where the mortality is major, or where there is a significant impact on the scenic characteristics, or where the health and safety of the public are affected, or the overall protection of the forest inside or outside the area would be affected. It is the intention of the Committee that only a minimal amount of timber be cut in these instances that is necessary to accomplish the specific objective. In such instances, road building should be kept to a minimum. In any event, none of the timber within the recreation area is to be included in calculation of

the allowable harvest. Management of the timber resource under these guidelines will be planned in the overall integrated management plan for the area.

A number of other specific uses which may be permitted in the non-wilderness portion of the recreation area are also enumerated in the statute. In general, these uses and facilities are to be allowed by the Secretary where necessary to enhance visitor use and enjoyment of the area or facilitate resource protection and management.

The Committee anticipates that certain developments, such as water supply systems or other related recreational facilities, will occur outside of, but in close proximity to, the boundaries of the recreation area. These facilities should be managed in a manner which corresponds with the management plan for the recreation area.

The 70,800-acre wilderness portion of the recreation area is, of course, to be managed by the Secretary in accordance with the Wilderness Act of 1964.

Section 5. This section provides for filing with appropriate Senate and House Committees, by the Secretary of Agriculture, official maps, and legal descriptions of each wilderness area designated by this Act; and further provides that such areas will be managed in accordance with the Wilderness Act of 1964 (78 Stat. 892).

Section 6. This section prohibits "buffer zones." The Committee is aware of cases where nonwilderness activities being carried on adjacent to designated wilderness boundaries have been curtailed or constrained due to "sights and sounds" experienced inside the wilderness. Congress does not intend that designation of wilderness areas in the State of Oregon lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from the areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

Section 7. This section contains "release-sufficiency" provisions.

"Release/sufficiency" language has been incorporated by the Congress in several State wilderness bills enacted over the past several years. That language statutorily confirmed the April 1979 administrative "release" of certain RARE II nonwilderness recommended lands and released other lands not designated as wilderness or wilderness study. This was commonly referred to as "Colorado release."

The language continued to trouble a number of affected industry groups, and in an effort to address their concerns, the Committee has made clarifications in the statutory language found in section 7. The Committee wishes to further clarify the purpose and intent of the provisions of this section and elaborate on certain issues not specifically discussed in previous bills.

The question of "release" i.e., making lands available for nonwilderness management and possible development arises from the interest in the future management of areas reviewed during the RARE II process. The controversy focuses on the point at which those lands not designated as wilderness or wilderness study by this Act but reviewed in the RARE II process can again be considered for possible recommendation to the Congress for designation as wilderness, and on the question of how these lands will be managed.

The "sufficiency" aspect of this question arose because of a decision in Federal District Court in California. Soon after the completion of RARE II, the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II Final Environmental Impact Statement insofar as its consideration of wilderness in some 46 areas in the State of California was concerned.

In January 1980 Judge Lawrence Karlton of the United States District Court for the Eastern District of California, in *State of California v. Bergland*, 483 F. Supp. 465 (1980), held that the RARE II Final Environmental Statement had insufficiently considered the wilderness alternative for the specific areas challenged. Judge Karlton enjoined any development which would "change the wilderness character" of these areas until subsequent consideration of the wilderness values in accordance with the National Environmental Policy Act was completed by the Department of Agriculture. The Ninth Circuit Court of Appeals affirmed in District Court opinion in *California v. Block*, 690 F. 2d 653 in 1982.

While the decision applied specifically only to the 46 roadless areas in California for which the plaintiffs sought relief, the overall conclusions in the case are binding in States that are located in the Ninth Circuit. The net effect is that development activities on roadless areas in such States may be held up if appealed in administrative or judicial forums. This has, in fact, already happened in several instances, and has thrown a cloud of uncertainty over the development of some roadless areas, whereas development has occurred in others.

The Wilderness Act of 1964 provides that only Congress can designate land for inclusion in the National Wilderness Preservation System. Since the Committee has, in the course of developing this bill, very carefully reviewed the roadless areas in Oregon for possible inclusion in the National Wilderness Preservation System, the Committee believes that judicial review of the RARE II Final Environmental Statement insofar as national forest system lands in Oregon are concerned is unnecessary. Therefore, the bill provides that the final environmental statement is not subject to judicial review with respect to national forest system lands in Oregon.

The Committee does wish to reemphasize that the sufficiency language in this Act only holds the RARE II EIS to be legally sufficient for the roadless areas in the State of Oregon and only on the basis of the full review undertaken by the Congress. Similar language will be necessary to resolve the issue in the other States.

Management and future wilderness consideration of roadless areas not designated as wilderness or wilderness study

The RARE II process during 1977-79 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976. That process requires that the forest land management plans be reviewed and revised periodically to provide for a variety of uses. During the review and revision process the Forest Service is required to study a broad range of potential uses and options including wilderness. In conjunction with the National Environmental Policy Act, NFMA provides that the option of recommending land to Congress

for inclusion in the National Wilderness Preservation System is one of the many options which must be considered during the planning process for those lands which may be suited for wilderness. The language of H.R. 1149 reconfirms this requirement. The Forest Service is presently developing the initial, or "first generation", plan for each national forest. These are the so-called "section 6" plans, they are targeted for completion by September 30, 1985. For the 13 national forests in Oregon some plans may not actually be completed and implemented until 1986 or later due to administrative problems including delay resulting from the cloud of the California lawsuit and the debate taking place as a result of pending legislation.

One of the goals of RARE II was to consider the wilderness potential of national forest roadless areas. The Committee believes that further consideration of wilderness during development of the initial plans for the national forest system roadless areas as defined by section 7, not designated as wilderness upon enactment of H.R. 1149 would be duplicative of the study and review which has recently taken place by both the Forest Service and the Congress. Therefore, the release language of section 7 provides that wilderness values of these areas need not be reviewed again during development of the "first generation plans." Moreover, the language provides that during development of, and prior to or during revision of initial plans, released areas need not be managed for the purpose of protecting their suitability for wilderness designation.

Beyond the initial plans lies the issue of when the wilderness option for roadless areas should again be considered. As noted, the initial plans are targeted for completion by September 30, 1985. The National Forest Management Act provides that a plan shall be in effect for no longer than 15 years before it is revised. The Forest Service regulations, however provide that a forest plan "shall ordinarily be revised on a 10-year cycle or at least every 15 years." (36 CFR § 219.10(g)). The language of H.R. 1149 tracks these regulations.

The bill, as reported, provides that the Department of Agriculture shall not be required to review the wilderness option until it revises the initial plans. By using the word "revision" the Committee intends to make it clear, consistent with NFMA and current Forest Service regulations, that amendments or even amendments which might "result in a significant change" in a plan, would not trigger the need for reconsideration of the wilderness option and section 7 so provides. The wilderness option does not need to be reconsidered until the Forest Service determines, based on a review of the lands covered by a plan, that conditions in the area covered by a plan have changed so significantly that the entire plan needs to be completely revised.

A revision of a forest plan will be a costly undertaking in terms of dollars and manpower and the Committee does not expect such an effort to be undertaken lightly. Every effort will be made to address local changes through the amendment process leaving the revision option only for major, forest wide changes in conditions or demands.

For example, if a new powerline were proposed to be built across a forest, this would be accomplished by an amendment, not a revision, and therefore the wilderness option would not have to be reexamined. Likewise, the construction of new range improvements or adjustments in livestock allotments for permittees would not constitute a "revision".

It is only when a proposed change in management would significantly affect overall goals or uses for the entire forest concerned, that a "revision" would occur. For example, the recent eruption of Mt. St. Helens, because it affected so much of the land on the entire Gifford Pinchot National Forest, including the forest's overall timber harvest scenario, would likely have forced a "revision" of the plan. Likewise, decisions to dramatically increase timber harvest levels on an entire forest or to change a multiplicity of uses in order to accommodate greatly increased recreation demands might force a "revision". In this regard, the Committee wishes to note, however, that in the vast majority of cases the 10-15 year planning cycle established by NFMA and the existing regulations is short enough to accommodate most changes. Conditions are highly unlikely to change so dramatically prior to 10-15 years that more frequent "revisions" would be required. For example, it would be hard to envision a scenario under which demands for primitive, semi-primitive or motorized recreation would increase so rapidly over an entire National Forest that the Forest Service would feel obliged to revise a plan prior to the normal 10-15 life span. Recreation demands might increase in a specific area or areas, but such demands could be met by amending the plan, as opposed to revising it.

Forest Service Chief Max Peterson has indicated that, in his view, most plans will be in existence for approximately 10 years before they are revised. The Committee shares this view and anticipates that the vast majority of plans will not be revised significantly in advance of their anticipated maximum life span absent extraordinary circumstances. The Committee understands and expects that with first generation plans to be in effect by late 1985, or slightly later, the time of revision for most plans will begin around 1995. In almost every case, the Committee, therefore, expects that the consideration of wilderness for these roadless areas will not be reexamined until approximately 1995. The Committee notes that administrative or judicial appeals may mean that many first generation plans are not actually implemented until the late 1980's, in which case plan revisions would be unlikely to occur until around the year 2000, or beyond. Or, if the full 15 years allowed by NFMA runs before a revision is undertaken, the wilderness option may not in some cases be reviewed until the year 2000 or later.

The question has also arisen as to whether a "revision" would be triggered if the Forest Service is forced by the courts to modify or rework an initial plan, or if the Forest Service withdrew an initial plan to correct technical errors or to address issues raised by an administrative appeal. The Committee wishes to state in the most emphatic terms possible, that any reworking of an initial plan for such reasons would obviously not constitute a "revision" of the plan that would reopen the wilderness question. Rather, any such reworking would constitute proper *implementation* of the plan. The logic for the Committee's reasoning in this regard is that any such court ordered or administrative reworkings or modifications of a plan would come about to resolve questions related to the preparation and implementation of the plan in accordance with the requirements of NFMA and other applicable law. So such reworking or modification would not be a "revision" (which pursuant to NFMA and the implementing regulations is to be based on changed conditions or demands on the *land*),

because a plan must be properly prepared and implemented before it can be "revised".

The fact that the wilderness option for roadless areas will be considered in the future during the planning process raises the hypothetical argument that the areas must be managed to preserve their wilderness attributes so these may be considered in the future. Such an interpretation would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such a requirement would completely frustrate the orderly management of non-wilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act as amended.

To eliminate any possible misunderstanding on this point, the bill provides that areas not designated as wilderness need not be managed for the purpose of protecting their suitability for further wilderness review prior to or pending revision of the initial plans. The Committee believes the Forest Service already has statutory authority to manage roadless areas for multiple use, nonwilderness purposes. It wishes to make clear, however, that study of the wilderness option in future generations of section 6 plans is required only for those lands which may be suited for wilderness at the time of the implementation of the future plans. Between the planning cycles, the uses authorized in the plan in effect can proceed until a new plan is implemented. In short, one plan will remain in effect until the second plan is implemented. For lands recommended for nonwilderness uses in future generations of plans there is no bar to management which may, as a practical matter, result in the land no longer being suited for wilderness. Thus it is likely that many areas studied for wilderness in one generation of plans may not physically qualify for wilderness consideration by the time the next generation of plans is prepared. As an example of this, the Committee notes that many areas studied for wilderness in RARE II and recommended for nonwilderness have already been developed since their administrative "release" in April of 1979.

Therefore, under this language, the Forest Service may conduct a timber sale in a roadless area and not be challenged on the basis that the area must be considered for wilderness in a future planning cycle. Once a second-generation plan is implemented in accordance with applicable law including the National Environmental Policy Act, the Forest Service may, of course, manage a roadless area not recommended for wilderness designation according to that plan without the necessity of preserving the wilderness option for the third-generation planning process. Should the particular area still be suited for possible wilderness at the time of the third-generation planning process, the wilderness option would be considered at that time. In short, the wilderness option must be considered in each future planning generation if the particular land in question still possess wilderness attributes. But there is no requirement that these attributes be preserved solely for the purpose of their future evaluation in the planning process.

In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate manage lands in an undeveloped manner, just as it can, if through the land management

planning process it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

However, the language also provides that lands recommended for wilderness in future generations of plans shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law upon implementation of such plans.

The final issue addressed by the Committee in section 7 of H.R. 1149 pertains to the possibility of future administrative reviews similar to RARE I and RARE II. With the National Forest Management Act planning process now in place, the Committee wishes to see the development of any future wilderness recommendations by the Forest Service take place only through the planning process, unless Congress expressly asks for other additional evaluations. Therefore, the legislation directs the Department of Agriculture not to conduct any further statewide roadless area review and evaluation of national forest system lands in Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

The Committee recognizes that this directive might technically be evaded by conducting such a study on some basis slightly smaller than statewide. The Committee is confident, however, that the Department recognizes the spirit as well as the letter of this language and that the Committee can expect there will be no "RARE III".

COST AND BUDGETARY CONSIDERATIONS

The Committee does not intend that this measure (H.R. 1149) authorize any additional budget authority for fiscal year 1984 than that already available to the Department of Agriculture. The Committee intends that if any fiscal year 1984 costs are incurred from implementation of the bill that they will be absorbed within funds otherwise available to the Department of Agriculture.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 7, 1984.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1149, the Oregon Wilderness Act of 1984, as ordered reported by the Senate Committee on Energy and Natural Resources, May 2, 1984.

This bill designates 849,300 acres of land in Oregon as wilderness and establishes the 157,000-acre Oregon Cascades Recreation Area. A total of 70,800 acres in the recreation area is also designated as wilderness. Based on information from the National Forest Service, it is estimated that additional costs to the federal government for surveying, plan-

ning and related activities necessary to implement the wilderness withdrawals and the recreation area designation will be approximately \$1 million during the five fiscal years beginning with 1985.

According to the provisions of the National Wilderness Preservation System Act, all timber in areas designated as units of the national wilderness preservation system is removed from the timber base of the national forest in which it is located. This results in a reduction of the annual potential yield of the forest. The loss of timber receipts resulting from this bill is expected to approach \$19 million per year. However, because of the lag between timber sales and receipts, the loss of receipts will be smaller during the first five years following enactment of the bill. Furthermore, any lost federal timber receipts would be at least partially offset by reduced payments to state and local governments, and by a reduction in timber purchaser road construction credits.

Lands designated as wilderness are also withdrawn from mineral activity under the terms of the National Wilderness Preservation Act. No significant loss of mineral receipts is expected to result from this bill, however, because existing surveys show little mineral potential in the lands involved.

All roadless areas in national forests not designated as wilderness or expressly excluded from further review by an act of the Congress are currently being reevaluated for their suitability for inclusion in the national wilderness preservation system. H.R. 1149 removes from this review all roadless areas in Oregon included in the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II). This will result in a small savings in land management planning costs over the next three years.

The federal government makes payments to state and local governments based on the amount of receipts collected from the sale of timber on national forests. Payments to the state and local governments will be reduced by about \$5 million if gross federal timber receipts are reduced by \$20 million.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1149 as reported. H.R. 1149 would designate certain national forest system lands in the State of Oregon for inclusion in the National Wilderness Preservation System, would release other forest lands for multiple-use management, and for other purposes.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of H.R. 1149.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior, the Department of Agriculture and the Office of Management and Budget setting forth Executive Agency recommendations relating to H.R. 1149 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 28, 1983.

HON. JAMES A. McCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1149, an act "To designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes."

We strongly object to the inclusion of section 2(a) (29) in this legislation and recommended that it be deleted. We defer to the views of the Department of Agriculture with respect to the merits of the remaining provisions of H.R. 1149.

Section 2(a) (29) of H.R. 1149 would designate the Table Rock area in Oregon as wilderness. The lands comprising the proposed Table Rock Wilderness have been the subject of considerable controversy for several years. The primary but conflicting resources values in the Table Rock area are commercial timber and undisturbed conditions on 5,400 acres of Bureau of Land Management (BLM) land. Over half of the area is prime timber land which has never been harvested. The remainder is not good for timbering due to shallow rocky soils and steep unstable slopes. Further, nine oil and gas leases, covering almost all of the proposed wilderness areas, have been issued.

In 1978-79, BLM prepared a detailed environmental assessment of the lands included in the Table Rock proposal. The assessment was prompted by the filing of a right-of-way application by Champion International Corp., which wanted to construct a logging road through a portion of the Table Rock area to serve a 560-acre parcel of its land. Although portions of the Table Rock area were found to contain significant resources that warranted protection, the area was also found unsuitable for wilderness designation because imprints of man's work were evident and because the area did not have outstanding opportunities for either solitude or a primitive and unconfined type of recreation. The right-of-way was approved, but the decision was appealed to the Interior Board of Land Appeals (IBLA). IBLA affirmed the decision but the road was never built. In December 1982, BLM acquired the 50-acre parcel from Champion in exchange for public lands in Oregon.

Between 1980 and 1982, BLM developed a Management Framework Plan (MFP) for the Table Rock area. The plan's preparers found that the area should be managed as the "Table Rock Area of Critical Environment Concern." Under that designation, the area would be split

in two zones, a primary zone with full protection (no planned timber harvest) and a secondary zone with partial protection (reduced timber harvest).

Designation of the Table Rock area as wilderness would preclude the harvesting of valuable timber in the area with the result that the allowable cut of the master unit would be lowered to 2.9 million board feet (MMBF) below that allowed under the MFP.

In summary, we strongly object to inclusion of the Table Rock area in the National Wilderness Preservation System. Two studies prepared by BLM have concluded that the area requires some protection, but that previous activities of man in the area and a lack of wilderness characteristics argue against designation of the Table Rock area as wilderness. BLM proposes to designate Table Rock as an area of critical environmental concern, thereby making it possible for the necessary protection and desired development to occur simultaneously. We strongly recommend that section 2(a) (29) be deleted from H.R. 1149.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

HAROLD W. FURMAN II,
Acting Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 3, 1983.

HON. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 1149, a bill "To designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes."

The Department of Agriculture strongly opposes H.R. 1149, and we recommend that it not be enacted.

H.R. 1149 would designate 22 new wildernesses and would make additions to 8 existing wildernesses for a total of 1,128,875 acres of additional wilderness in the State of Oregon. All of these proposed designations are within the National Forest System, with the exception of Table Rock Wilderness which is on lands administered by the Bureau of Land Management. We defer to the Department of the Interior for specific comment on that proposal. The bill would also designate three wilderness study areas on National Forest lands totaling 98,000 acres. The Secretary is directed to review these study areas for their wilderness suitability and forward his report to the President, who would then submit his recommendation to Congress no later than 3 years from date of enactment. The bill also includes a provision that would terminate all existing timber sales in the proposed Middle Santiam, Grassy Knob, Salmon-Huckleberry, Joseph Canyon, Bridge Creek and Hardesty Mountain Wildernesses and substitute contracts of equal volume and value.

The bill provides, with respect to National Forest System lands in the State of Oregon, that the second Roadless Area Review and Evaluation (RARE II) Final Environmental Impact Statement not be subject to judicial review and that areas not recommended by RARE II for wilderness, not placed by RARE II in further planning status, or not designated by Congress for wilderness study, be released from further review and evaluation as wilderness for purposes of initial land management plans. These released areas would not need to be managed for protecting their suitability for possible future wilderness designation. In addition, the bill directs the Department of Agriculture not to conduct any further state-wide evaluation of National Forest lands for determining their possible suitability for wilderness designation.

During RARE II, approximately 3 million acres of roadless and undeveloped lands on the National Forests in Oregon were studied. In the RARE II Final Environmental Impact Statement, 368,000 acres were recommended for wilderness, 400,000 acres were identified for further planning, and approximately 2.2 million acres were allocated to multiple uses other than wilderness. Approximately 30,000 acres of the lands recommended for wilderness were included in legislation modifying the boundaries of Crater Lake National Park during the 96th Congress.

The wilderness recommendations of H.R. 1149 are approximately three times the acreage recommended for wilderness in the RARE II Final Environmental Impact Statement. If enacted, H.R. 1149 would double Oregon's designated wilderness. It would result in a total of 34 National Forest System wilderness in Oregon with a total of 2.3 million acres, comprising 15 percent of the National Forest System lands.

If enacted, H.R. 1149 would have substantial adverse consequences to existing and future resource management activities. The wilderness and wilderness study designations included in H.R. 1149 would result in a reduction in planned timber sales in upcoming fiscal years of approximately 200 million board feet per year in perpetuity. The reduction represents about 6 percent of the present annual timber sales program on the National Forests in Oregon and represents approximately 50 timber sales each year that would not be made. The resultant loss of jobs both direct and indirect would be between 3,000-3,500 jobs which is an especially significant loss of employment in predominantly rural areas where the existing jobs base is already limited.

We estimate that annual returns to the U.S. Treasury from the sale of timber would be about \$35 to \$40 million less than projected using the RARE II recommendation. This would mean that losses to counties from 25 percent receipt funds would be about \$10 million annually. These estimates are based on anticipated average stumpage values of \$200 per thousand board feet. This is greater than the current market (\$130 per thousand board feet), but does not approach levels previously experienced (\$373 per thousand board feet, fiscal year 1980).

There are 14 existing timber sale contracts that would require termination and substitution outside the wilderness area. We strongly

oppose the provision to substitute equal volume and value for any sales terminated in newly designated wildernesses as it would be extremely complex, expensive, and time-consuming. Negotiating substitute timber sales is complicated by difficulties in agreeing to equal values which would be hard to resolve. Variability in timber stands is such, especially in the Douglas-fir old growth forests of Oregon, that attempting to balance the volume and value would be very difficult. Substitution would also impact planned sale programs by increasing costs and disrupting the planned sale programs.

The ability of National Forests in Oregon to meet other important resource uses would be jeopardized by the enactment of H.R. 1149. A number of the proposed wilderness designations would significantly reduce opportunities for a great variety of dispersed recreation activities in a number of areas such as Diamond Lake area which is one of the most heavily used snowmobiling areas in the State. There are a number of mining cabins and mining claims which are accessed by off-road vehicles in the North Fork John Day area. Grassy Knob and many other areas have heavy concentrations of mining claims. Mill Creek is a favorite gem stone area accessed by off-road vehicles.

The wilderness designations in H.R. 1149 are excessive in area because the resources which would be foregone by their designation are extremely valuable. Those resources would contribute significantly in future years to income for the U.S. Treasury and through shared receipts to the local counties. Those same resources also will provide a significant contribution to future local employment. Therefore, we strongly oppose enactment of H.R. 1149.

We believe the 330,000 acres recommended for wilderness outlined in the RARE II Final Environmental Impact Statement represents a reasonable and well-balanced proposal. We concur with deleting the 6,700-acre Limpy Rock proposal and the 2,370-acre Umpqua Spit proposal. Neither of these areas is included in H.R. 1149. We recommend deleting the 530-acre Red Butte proposal in Oregon. Of the remaining 320,000 acres, we have serious doubts concerning the desirability of Sky Lakes and Black Canyon for wilderness designation. Had we had an opportunity to reevaluate these areas, it is likely that we would recommend these areas for nonwilderness uses because of their high resource values. However, at this time, we support the RARE II recommendations of 320,000 acres.

We support the inclusion of the release and sufficiency concepts in any wilderness bill, especially the Oregon wilderness bill, but oppose the release language contained in H.R. 1149 as inadequate. We strongly recommend again a long-term or permanent form of release. Such release would assure a broad range of uses and management of the released lands, resulting in more dependable community and economic stability in the State of Oregon.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 16, 1984.

HON. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of September 20, 1983, for the views of the Office of Management and Budget concerning H.R. 1149, an Act entitled the "Oregon Wilderness Act of 1983."

The Office of Management and Budget concurs in the views of the Department of Agriculture as expressed by Deputy Assistant Secretary Douglas MacCleery in his testimony on the bill before your Committee on October 20, 1983, and in the Department's letter to you dated November 3, 1983. Accordingly, we strongly oppose enactment of H.R. 1149 because its wilderness designations are nearly three times the acreage recommended for wilderness in the second Roadless Area Review and Evaluation.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGE IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 1149, as reported.

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